

BENJAMIN GODWIN SWANSON,

Plaintiff,

vs.

GASTON COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

THIS MATTER is before the Court on Plaintiff's *pro se* Motion for Appointment of Counsel, (Doc. No. 8), and Declaration for Entry of Default, (Doc. No. 14).

In support of the Motion for Appointment of Counsel, Plaintiff states that he is unable to afford counsel and has requested leave to proceed *in forma pauperis*,¹ his imprisonment will greatly limit his ability to litigate the case, the issues are complex, he has limited access to the law library and limited knowledge of the law, and the case will require significant research and investigation.

There is no absolute right to the appointment of counsel in civil actions such as this one. Therefore, a plaintiff must present “exceptional circumstances” in order to require the Court to seek the assistance of a private attorney for a plaintiff who is unable to afford counsel. Miller v. Simmons, 814 F.2d 962, 966 (4th Cir. 1987). This case does not present exceptional circumstances that justify appointment of counsel. Therefore, Plaintiff’s motion to appoint counsel will be denied.

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Petitioner seeks default judgment because Defendants were served with the summons and a copy of the Complaint on February 23, 2018, more than 122 days have elapsed, and Defendants have failed to answer or otherwise defend against this action.

The Complaint has not yet been screened and Defendants have not been served process. Therefore, Defendants are not in default and Plaintiff's Motion will be denied.

IT IS THEREFORE ORDERED that:

- (1) Plaintiff's Motion for Appointment of Counsel, (Doc. No. 8), is **DENIED**.
- (2) Plaintiff's Declaration for Entry of Default, (Doc. No. 14), is **DENIED**.

Signed: July 8, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

